

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
MARCH 17, 2016, 5:00 P.M.
CITY COUNCIL CHAMBERS**

PRESENT:

**Mayor Jon Pike
Councilmember Jimmie Hughes
Councilmember Michele Randall
Councilmember Joe Bowcutt
Councilmember Bette Arial
Councilmember Ed Baca
City Manager Gary Esplin
Deputy City Attorney Paula Houston
City Recorder Christina Fernandez**

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Keith Bozeman and the invocation was offered by Rabbi Helene Ainbinder with the Congregation Beit Chaverim.

Mayor Pike mentioned a gift received from DXATC; the closing for the property they purchased at the Ridgetop Complex took place yesterday. He read a message from Kelle Stephens, campus president. He then read a proclamation proclaiming Saturday, March 19, 2016 as Scouting for Food Day.

John Kessler, Chairman of the Arts Commission, introduced members of the Commission who are present. This year the Arts Commission is presenting the Excellence in the Arts Award to Farron Holt and Gary Caldwell.

Rob Schmitt presented a video showing Farron Holt's contribution to the arts community. Following the video, JJ Abernathy presented a PowerPoint outlining Gary Caldwell's contribution to the arts community.

PUBLIC HEARING/ZONE CHANGE/ORDINANCE:

Public hearing to consider a zone change request to rezone approximately 12.36 acres generally located at 3025 South River Road from Open Space, R-1-10 and Agriculture to Planned Development Commercial. Dixie Power, applicant.

Planner Ray Snyder presented the request for a zone change to rezone approximately 12.36 acres generally located at 3025 South River Road from Open Space, R-1-10 and Agriculture to Planned Development Commercial. Originally, the request was to rezone the property to Planned Development Administrative Professional; however, it was agreed upon by the applicant to change that to Planned Development Commercial. He presented a PowerPoint presentation covering the following topics: a letter from Alpha Engineering; aerial map; general plan map; zoning map; site plan; list of permitted uses; conceptual landscape plan; 3D rendering; 2D elevations; and photos of the area. In 2004, the City Council approved a conditional use permit to develop what is currently on the property. On May 17, 2015, the City Council approved a General Plan amendment to change the land use designation to Professional Office. The Planning

Commission recommends approval with the following suggested comments and conditions:

- This zone change request for a PD-C zone is found to be compatible with the underlying Professional Office General Plan Land Use designation.
- It is recommended to approve this PD-C zone change as presented, noting that the PD-C zone change is recommended because it will be a "custom zone" and will be compatible with the Professional Office Land Use designation. If the land were to be zoned a commercial zone and if it were resold in the future, then it is possible that unanticipated commercial development at the site might result.
- The existing utility/power yard will remain.
- The existing substation will remain.
- The applicant has already had the five lots legally merged and recorded with the County Recorder.
- The use list as submitted for the PD-C zone is recommended to be approved.
- The building rendering and elevations are approved as presented.
- The site layout as presented is approved.
- The conceptual landscaping is recommended for approval and detail plans shall be submitted to staff for review with the site plan review application.
- The applicant shall submit an application for a site plan review along with the required civil engineering plan sets.

Mayor Pike opened the public hearing. There being no comment, he closed the public hearing.

MOTION: A motion was made by Councilmember Hughes to approve the zone change from Open Space, R-1-10 and A-1 to PD-C with the conditions from staff and the Planning Commission.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/ZONE CHANGE/ORDINANCE:

Public hearing to consider a zone change request to rezone approximately 4.78 acres located on 450 North Street between 2480 East and 2720 East from R-1-7 to Planned Development Residential. Dixie Endeavor, LLC, applicant.

Planning & Zoning Manager John Willis explained the Council denied this project on December 3, 2015; however the ordinance allows the applicant to request reconsideration if substantial change has been proposed. He read the requirements as outlined in City Code 10-1-12 and the definition for substantial change. The applicant has modified the original request.

Deputy City Attorney Paula Houston advised when voting, the Council needs to make a decision on whether there was a substantial change.

Mr. Willis presented a PowerPoint covering the following: aerial map; zoning map; general plan map; proposed site plan – Option A. The applicant proposed two options to the Planning Commission. Option A, which was the preferred option, proposes 38 two-story townhomes units with garages. The change made by the applicant is to reduce the number of units by two and to extend the private road to the exterior of the property. He reviewed the density and parking requirements, showed the landscaping plan, presented the materials board and showed the elevation. The Planning Commission spent quite a bit of time and they visited the site. After considering both options, the Planning Commission recommended Option A with comments and conditions as follows:

- The Planned Development Residential zone change is recommended for approval for 38 townhomes on 4.78 acres as presented.
- The colored site plan, colored elevations, color and materials board as presented.
- Buildings must meet setback and building separation requirements for the PD zone.
- Garage size must be a minimum of 480 square feet in order to be considered as meeting the parking standard.
- Building permits for construction must be obtained within eighteen months or property will revert back to the previous zone.
- A solid fence, 6' in height, is required along property lines that are adjacent to single family zones.
- Medium Density Residential designation provides a density range of 5 to 9 units per acre, which does not always indicate that 9 units per acre is appropriate for every parcel of land.

Mr. Willis showed Option B and explained that Option A was chosen because having the townhouses on the interior and the exterior road provides for a 61' buffer opposed to having houses 10' from the property line. He compared the original proposal to Option A and explained the modifications.

Dave Nasal, applicant, stated the project currently is about half of what was originally presented. He presented an outline of the lots on the south side and aerial maps. Regarding the concern on the proposed access at 450 North, because it was too close to the cul-de-sac, it was moved. He feels that the additional buffer and taking a unit from the backyard and will help mitigate a lot of the concerns. They spent quite a bit of time with the Police Department who indicated that the townhomes in that area do not a higher propensity for crime than anywhere else. He showed photos of 450 North and the area. The Public Works Department has indicated that a traffic signal will be installed at 3050 East in the

near future. They have spoken with appraisers who would be happy to speak with residents about property values. He has met with some residents in the area.

Mayor Pike opened the public hearing and explained there was a previous public hearing pertaining to this project and that the Council will decide if the changes were significant enough to take action at this time. He limited remarks to five minutes each.

Melody Wittwer, resident, provided and read portions of a written statement to the Council. She feels the proposal is substantially the same; therefore the applicant should have waited a year. Shall not is a legal term meaning prohibitive, yet it was before the Planning Commission. The repeated attempts are harassment forcing them to come to the meetings over and over. They are here to argue that this is not a substantial change; Mr. Nasal should be banned from repeatedly proposing this zone change. Residents in the area did not choose to buy into a townhome neighborhood. She asked the Council not take away their buffer from the multi-family homes.

Baltazar Zamora, Jr, resident, stated that the developer's plan is to reduce the dwellings by two. The road was changed; however, the neighbors are talking about density - the proposed reduction is only 5%. He told Mr. Nasal about his concerns; but it was not a sit down meeting, it was an unexpected one as Mr. Nasal just showed up at his home. Because letters were not sent out on time, he did not receive one so he was unable to prepare for the meetings. The 61' buffer is not a 61' road. The suggestions made to change the road came from the residents as they are trying to work with Mr. Nasal. They do not have a problem with homes being 10' away; but the home has to be single story home or the distance increases. He has waited 20 years to live in a home - he wants to fight for his home. Their livelihood is worth more than money. He asked the Council to deny the request at it would be detrimental to the neighborhood.

Jeremy Robinson, resident, stated that he agrees with his neighbors. He feels the change is not substantial enough and asked the Council not to hastily make a decision. There has not been enough thought in making this property a valuable piece of property. He would like to see the property develop it into something safe and to build onto the community that already exists.

Roland Clifford Turnbow, resident, explained that he appreciated the responsibility of the Council making it a rich environment for everyone. There were two proposals presented, one with single family homes adjacent to the properties 2480 East, the other was the proposal in December. He asked the Council to look at the previous proposal. There is a serious flaw in providing an egress and ingress of traffic into the development. The proposal was to extend the road further east; however, 75% of the residents in the area would only have one access. He stated there would be serious problems as emergency vehicles would not be able to access. Additionally, he asked that the Council maintain the integrity of the area. On the north side, there will be nothing but sidewalks and rock. The available for parking for those residents, there are only 13 stalls for 75% of their residents. He asked how they will accommodate visitors. Neighbors are not opposed to growth, but they want to maintain the integrity of their neighborhood.

Pete Mackitis, resident, presented and compared the maps of the current and previous proposal. He stated what the maps do not show a significant change. Neighbors have given up; they have put their faith in the Council to make the right decision. He asked if approved, how the proposal is going to improve their quality of life.

Kendrick Rogers, representative for High Point Homes, stated that they are building homes across the street to the South. They will install a wall along 450 North as well as improve their portion of the road. He believes this is a worthy thought out project and feels the proposed buffer is good.

Barbara Turnbow, resident, commented that they live there, Mr. Rogers doesn't. They are there to raise families. Fifteen years ago, they were told that would all be single homes; there are apartments all around them. The area should be secluded to make it safe for children.

Mr. Nasal commented that looking at the zoning map, the condos to the north were built in the early to mid 80's and the mobile home park is older than most of the homes. If neighbors do not want to interact with the community, they would not have to. At the Planning Commission, neighbors made a 3rd proposal that included townhomes and a couple of cul-de-sacs. Early in the process, he met with Mr. Mackitis; however, he was invited to neighborhood meetings on short notice, others he was not invited to. The landscape will be professionally managed by Paul Properties. He explained that they would have to meet code pertaining to emergency vehicle access and showed the access road. The driveways will be long enough that visitors can park in them. The proposed plan does not have access other than 450 North or 2720 East.

Mayor Pike closed the public hearing.

Councilmember Baca asked to hear from the Fire Department regarding emergency access.

City Manager Gary Esplin advised the ordinance requires two accesses which the proposal does. They will have to provide an adequate turn around and width in order to accommodate emergency vehicles. He understands the concerns regarding traffic; however next year's budget will include funds to finish 450 North to 3050 East which will increase traffic.

Councilmember Baca stated that from previous presentations, the current proposal appears to be a very significant change. He understands the concerns expressed and is sensitive of the issues. As he drives around there, the proposal seems to be compatible with the area.

Deputy City Attorney Paula Houston explained that staff required moving the road.

Councilmember Hughes commented that he listened to the residents and understands their concerns. He looks at the proposal and sees it as its own neighborhood; it is compatible with the area.

Mayor Pike explained the changes include the reduction of two units, the change with interior road and the change in the entrance.

MOTION: A motion was made by Councilmember Bowcutt, stating that he believes a substantial change was made from the original proposal, to approve the zone change to rezone approximately 4.78 acres located on 450 North Street between 2480 East and 2720 East from R-1-7 to Planned Development Residential subject to the report from staff.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – nay
Councilmember Baca – aye

The motion carried.

Mayor Pike called for a short recess.

Mayor Pro Tem Hughes mentioned that Mayor Pike had to leave for a bit.

PUBLIC HEARING/ZONE CHANGE AMENDMENT/ORDINANCE:

Public hearing to consider a zone change amendment to amend the Planned Development Commercial zone on approximately 1.5 acres generally located at the northwest corner of River Road South and 1450 South Street to develop a Rite Aid Pharmacy and to approve a Master Sign Plan for a single tenant. Rite Aid, applicant.

City Manager Gary Esplin explained the entire Planned Development zone would require a Master Sign Plan for the signage, which was turned in today; therefore the Planning Commission did not have that when considering the request. He spoke with the applicant who agreed that the hearing should move forward. Any signage would have to be approved based on the Master Plan done for the PD zone.

Deputy City Attorney Paula Houston advised the Master Sign Plan would be taken out because there is a limit on the number of signs a PD zone can have.

Planner Ray Snyder commented that the applicant submitted a zone change to build the Rite Aid and then a separate request for a Master Sign Plan just for this property. This afternoon he received a conceptual plan for the signs for the entire site. It would require coming back with a zone change amendment for the entire project. The proposed use is already included in the PD. The overall PD was approved for the entire site; now each project is coming in with specific details.

City Manager Gary Esplin recommended not allowing the project to be approved piece by piece; rather to have a Master Sign Plan for the entire site.

The Council agreed.

Mr. Snyder read a summary of the request and presented a PowerPoint presentation covering the following: uses; aerial view of the area; preliminary plat; general plan map; zoning map; floodway map; floodway and erosion hazard boundary map; 100 year flood map; site plan; conceptual landscape plan; renderings; and 2D building elevations.

Mayor Pro Tem Hughes opened the public hearing.

Steven Sheffield expressed that he is in favor of the project. Regarding the signs, the applicant is frustrated with not having the signs approved tonight. He apologized for not submitting the sign plan yet and stated that since it is a PD on its own, he hopes signage can be approved.

Mayor Pro Tem Hughes closed the public hearing.

MOTION: A motion was made by Councilmember Arial to approve the ordinance amending the Planned Development Commercial zone on approximately 1.5 acres generally located at the northwest corner of River Road South at 1450 South to develop a Rite Aid Pharmacy.

Councilmember Baca clarified that Mr. Sheffield wanted signage approved, but that was removed from the request.

Applicant Jonathan Power asked if the approval can include a sign.

City Manager Gary Esplin advised this is an amendment to the PD zone, they want to separate from the rest of the PD zone. A sign could be approved; however it could then take away from the rest. Mr. Sheffield could come in with a Master Sign Plan for the rest of the project siting that this portion is not part of it. The Planning Commission report indicates they did not want to be part of the entire PD project.

Mr. Power stated that he understands a 10' sign is allowed. Had he not applied for a Master Sign Plan, he would have defaulted for a 10' sign along River Road.

Deputy City Attorney Paula Houston clarified that they would not have automatically qualified for a 10' sign on River Road. Because it is a commercial project, it is part of the development and was approved as a PD-C zone. The code allows for 3 signs and one additional sign under certain circumstances. All nine properties will not get free standing signs. It needs to be looked at as a master project. She explained that in order to request a Master Sign Plan for this project alone would require amending Mr. Sheffield's PD taking this lot out and start the process to make this a standalone PD.

Mr. Power explained that because they are a national corporation, any minor change have to go through the process with the committee. If Rite Aid does not agree with an allowed sign height, they can say that they will find another site.

City Manager Gary Esplin stated that Mr. Sheffield owns the rest of the project; therefore, he suggests the applicant speak with him regarding the signs. The original intent was not

to have a post sign on every lot; this request amends the overall philosophy into something that was not approved. Mr. Sheffield may be willing to allow them to have a post sign on his Master Sign Plan. The motion can pass subject to getting approval of the signs. The Master Sign Plan will have to show that when it returns for approval.

Mr. Sheffield stated that he approves a 10' monument sign for Rite Aid with a possibility of more.

Mr. Power asked for a 15' monument sign.

Councilmember Bowcutt commented that would love the Rite Aid on this corner; but sees the challenge with the signage on the entire length of the property.

Mr. Snyder noted that the Planning Commission recommended a 20' sign.

Deputy City Attorney Paula Houston advised because this is an amendment to the PD, if the Council wants to include Mr. Sheffield's recommendation regarding the sign, the entire overall plan would have to be worked out.

A discussion took place regarding the difference between monument and pole signs and the number of signs allowed on the entire PD. Mr. Sheffield agreed that if a 10' monument sign is approved, he would consider it one of their allowed signs under the Master Sign Plan for his PD.

SECOND: The motion was seconded by Councilmember Randall.

Mr. Sheffield suggested that Rite Aid be granted a 10' monument sign; with the possibility of an "instead of" sign, possibly higher.

City Manager Gary Esplin clarified because this a PD zone, they are limited to a certain number of signs, but can ask for additional signs. In theory, one or two signs may be allowed; but the Council could approve additional signs if they feel it looks okay.

AMENDED

MOTION: Councilmember Arial amended her motion to state that a minimum, a 10' monument sign be included.

SECOND: The motion was seconded by Councilmember Randall.

City Manager Gary Esplin stated that the Council would have to approve any other signs.

VOTE: Mayor Pro Tem Hughes called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/AMEND HIDDEN VALLEY MASTER PLAN/ORDINANCE:

Public hearing to consider an amendment to the Hidden Valley Master Plan by changing the zone from Planned Development Residential to Planned Development Commercial for a 4.77 acre commercial neighborhood development at the corner of Brigham Road and Desert Hills Drive. Development Solutions Group, applicant.

Planner Ray Snyder presented a PowerPoint covering the following: summary of the request; vicinity map; aerial view; general plan map; general plan amendment; zoning map; proposed PD-C zoning; overall area & site plan; conceptual landscape plan; rendering of the c-store; rendering for the 5 buildings; photos of the property; reference; land use plan; Hidden Valley land use; uses; proposed uses; land use summary; and radius map. The Planning Commission spent a lot of time discussing this request; two residents spoke in opposition. The vote at the Planning Commission was 2-3, so it failed. They liked the commercial idea but had concerns with the sale of beer, cigarettes and e-cigarettes and similar items being sold near the schools. The first motion was to approve the request removing some of the uses, no second was made. The second motion was to approve as presented; it failed.

Councilmember Arial asked if the high school campus is closed.

Councilmember Baca replied no. He noted that a traffic study is not required for this convenience store but will be for the entire project.

Curt Gordon, representative for the applicant, stated that part of their application is to clarify what they can do with the property. Previously they changed the zone and amended the Master Plan to commercial. They feel the Master Plan is a good fit for the neighborhood. He explained that there are three different approved plans for the property. Additionally, he stated that he understands that a traffic study will be required.

Councilmember Baca commented that the project would benefit the area. The concerns he has heard pertain to the schools and traffic.

Mr. Gordon noted this area was completed as a Master Plan, the uses were considered as part of the plan. They acquired the property from SITLA who contributed quite a bit of money for the infrastructure.

Councilmember Arial commented having stores that the high students can walk to is a benefit. She sees this as a positive thing if it is done correctly.

Mayor Pro Tem Hughes opened the public hearing.

Sue Wilson, resident, stated that she and her sister own rental properties in the area. They are concerned with the safety and welfare of the students and visitors to the nearby schools as well as increased traffic and nighttime lights. Drug dealers will find it an excellent location with easy access to I-15. This proposal also affects the remaining vacant land on 840 West. She is not here to prevent a land owner from developing their property but she is opposed to this particular use.

Mayor Pike returned. He mentioned that he welcomed the Mini Indy participants at the banquet.

Kevin Taylor, who sits on the Board of Directors for the Hidden Valley Heights Owners Association, stated that the board is concerned with having a C-store on this property. The board is not against property rights as long as it fits in with the surrounding community. Their main concern is having a convenience store that will most likely be approve for an offsite beer license directly across the street from three stores and a seminary building. If this was proposed in a different location, they would not be concerned. He spoke with Principal Rusty Taylor who voiced concerns with foot traffic across Desert Hills Drive. He asked the Council to carefully consider the request.

Diane Adams, property owner in the area, stated that she is in favor of the project. She believes the concerns can be mitigated. This facility would benefit so many homeowners. Also, having fast food on this property would eliminate some of the traffic as students would not have to drive to lunch. She noted that there is a Maverik relatively close to Millcreek High School.

Lamont Gubler, property owner in the area, stated that his concern is having a convenience store near the elementary school. The traffic study should be done prior to building the C-store. He believes this should be commercial as it would be a benefit, but he is not sure it should be a C-store.

Mayor Pike closed the public hearing.

Councilmember Baca stated that he is concerned about the children and schools in the area. He spoke with Mr. Taylor; the biggest concern was the traffic, not with the sale of alcoholic beverages.

Mr. Willis explained that the C-store on its own does not trigger a traffic study.

Deputy City Attorney Paula Houston advised since this is a legislative act, if the Council could require a traffic study prior to making a decision, they can do so.

City Manager Gary Esplin added that the Council can continue the hearing until the information is available. He believes sale of alcohol is not an issue tonight as they will need to come back for approval of an alcohol license. The effect of a traffic study is only as good as predicting what the uses are. He believes the accesses need to be looked at. It would be fair to ask the developer to return with the recommended uses and how they will make it work.

Mayor Pike commented that if this were zoned PD-C, the Council would see everything they wanted to see.

Mr. Gordon mentioned there are three conflicting adopted plans for this property. He is happy to do the traffic study; however, he requested the Council approve the PD-C zoning. They would not move forward without a plan addressing the safety issues. A Master Plan traffic study done did not address the specific uses they are considering.

City Manager Gary Esplin suggested approving the PD zone with the uses, adding a stipulation that the applicant return with a traffic study showing the accesses and proposed uses before anything is built.

Deputy City Attorney Paula Houston advised that once a zone and the uses are approved, they have the right to develop according to the approved uses. The Council can approve it as a conditional use that is conditional upon a traffic study.

MOTION: A motion was made by Councilmember Arial to approve the ordinance amending the Hidden Valley Master Plan with the uses being conditional upon the traffic study and the ability for those uses not to impact negatively the surrounding properties as stated by City Manager Gary Esplin.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/VACATE DRAINAGE EASEMENT/ORDINANCE:
Public hearing to consider vacating a drainage easement located at approximately 1050 East Riverside Drive. L&R Pope Engineering, applicant.

Planning & Zoning Manager John Willis presented the request for an easement vacation located at approximately 1050 East Riverside Drive. He showed the proposed vacation on a map. Because the drainage lines were moved the easement is no longer needed.

Mayor Pike opened the public hearing. There being no comment, he closed the public hearing.

Deputy City Attorney Paula Houston advised this item needs to be approved subject to getting the replacement easement. She explained that the easement is being moved - staff has not received the signed documents.

MOTION: A motion was made by Councilmember Hughes to approve vacating the drainage easement subject to getting the replacement easements.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

HANGAR LEASES:

Consider approval of a Hangar Lease for Lot 210 with Larkin-McArthur General Partnership.

Consider approval of a Hangar Lease for Lot 209 with Larkin-McArthur General Partnership.

Consider approval of a Hangar Lease for Lot 208 with Larkin-McArthur General Partnership.

Consider approval of a Hangar Lease for Lot 207 with Larkin-McArthur General Partnership.

Consider approval of a Hangar Lease for Lot 58G with Gary L. Theitten.

Consider approval of a Hangar Lease for Lot 57C with David G. Wood.

City Manager Gary Esplin explained these hangar lease agreements are housekeeping items. The agreements for lots 207, 208, 209 and 210 allow the tenant to subdivide the leases. Lots 58G and 57C are being reassigned to the new applicants.

MOTION: A motion was made by Councilmember Bowcutt to approve items 1A-1F.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

RECOMMENDATION TO THE STATE OF UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL:

Consider approval of recommendation to the State of Utah Department of Alcohol Beverage Control for the George Jazz Garden. Emceesquare Media, Inc.

City Manager Gary Esplin advised under state law, these types of events require Council approval to apply for this type of license.

Deputy City Attorney Paula Houston explained that state law recently changed requiring the Director of the Department of Alcoholic Beverage Control to make the determination as to whether an applicant is conducting a civic or community enterprise. They would like to the Council to provide a recommendation on whether or not they believe the applicant is conducting a civic or community enterprise. She provided a definition as follows: a function that is in nature of a temporary special event such as a social, business, religious, political, governmental, educational, recreational, cultural, charitable, athletic, theatrical, scholastic, artistic, or scientific event. A "civic or community enterprise" generally is a gathering that brings members of a community together for the common good.

Melynda Thorpe, applicant, explained that they have an expansion plan. Their hope is to move the Jazz Garden to 6:00 – 8:00 p.m. and then from 8:00 – 10:00 p.m. they will have Blues and Brews. They would like to move the Blues and Brews to upper Main in a fenced area; leaving Ancestor Square as the Jazz Garden location.

City Manager Gary Esplin mentioned that the issue is that it would be moved on to City property.

Mayor Pike noted that in the future, a discussion will have to take place regarding the location.

MOTION: A motion was made by Councilmember Hughes to recommend that the George Streetfest is conducting a civic or community enterprise.

SECOND: The motion was seconded by Councilmember Baca.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

CLASS A ALCOHOL LICENSE:

Consider approval of a Class A alcohol license for off premise sales for Lin's Supermarket , Inc located at 2928 East Mall Drive. Sylvester Neal Berube of Lin's Supermarkets, Inc, applicant.

City Manager Gary Esplin advises this request is for the new Lin's market. Approval would allow the applicant to obtain their license. The application meets the requirements.

MOTION: A motion was made by Councilmember Bowcutt to approve the Class A alcohol license for off premise sales for Lin's Supermarket Inc located at 2928 East Mall Drive.

SECOND: The motion was seconded by Councilmember Baca.

Councilmember Baca commented that the distance from the church conforms with the all laws.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

CLASS B ALCOHOL LICENSE AND LOCAL CONSENT:

Consider approval of a Class B alcohol license and local consent for La Frontera located at 567 South Valley View Drive, Suite 201. Sharon F Montano of SHM Restaurant Holdings, LLC dba La Frontera, applicant.

City Manager Gary Esplin advised this is a new business at this location; previous business had the same license. The application meets the requirements.

MOTION: A motion was made by Councilmember Randall to approve Class B alcohol license and local consent for La Frontera located at 567 South Valley View Drive.

SECOND: The motion was seconded by Councilmember Baca.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of bid for the All Abilities Park playground shade structure.

City Manager Gary Esplin explained this item is subject to the budget approval process. Staff is getting close to finalize the numbers. A shade structure is needed.

Parks Planner Mark Goble presented a PowerPoint presentation covering the following topics: Exhibit B; shade structure coverage areas; and rendering of the structure. It is proposed to award the bid to Sonntag Recreation as a total cost of approximately \$75,000. He then showed a rendering of structure 2; planned use; and RFP rating.

Mayor Pike mentioned that the City has been very fortunate in raising funds. Because of some generous donations, the funds will be covered.

MOTION: A motion was made by Councilmember Arial to award the bid for the All Abilities Park playground shade structure in the amount of \$74,900.

SECOND: The motion was seconded by Councilmember Baca.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of bid for the Millcreek Park playground surfacing.

Parks Planner Millie Cockerill advised that staff received proposals for two items, rubberized surfacing and shade. Several proposals were received; staff recommends awarding the bid to Robertson Recreational Surfaces. She showed rendering of the playground structure and layout. The cost is \$36,121.32 for the materials only. This is poured in place rubber surfacing similar to the Fields at Little Valley.

Deputy City Attorney Paula Houston noted that the amount is different from the agenda packet because they did not include the construction contract. Tonight, the Council will be approving the purchasing agreement. Staff will talk to JP Excavating about the installation and subcontracting that out.

City Manager Gary Esplin explained that if Council approves the total amount, staff could negotiate the cost.

Ms. Cockerill stated the total cost for materials and installation is \$55,323.36.

MOTION: A motion was made by Councilmember Bowcutt to award the bid to Robertson Recreational Surfaces on the amount of \$55,323.36; materials would be awarded to Robertson Recreational Surfaces and installation would be someone else, total would not exceed the approved amount.

SECOND: The motion was seconded by Councilmember Baca.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of bid for the Millcreek Park playground shade structure.

Parks Planner Millie Cockerill showed pictures of the shade structure. Staff recommends awarding the bid to Wicked Shade who has installed shade structures at other City parks. The total cost of \$46,629.

Deputy City Attorney Paula Houston explained the cost of the equipment and a portion of the installation would be paid to Wicked Shade. The remaining amount would be paid to another vendor, not to exceed the total amount.

Councilmember Bowcutt commented that the putting the shade structure may not provide much shade.

Mayor Pike mentioned that other parks have the same issue.

Ms. Cockerill stated that will go back and discuss this with Wicked Shade to see if it can be tweaked to provide as much shade as possible.

MOTION: A motion was made by Councilmember Hughes to award the bid for the Millcreek Park playground shade structure from Wicked Shade and the vendor for the installation to be determined for an amount not to exceed \$46,629.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of bid for 750 MCM aluminum 15 KV Okonite underground cable.

City Manager Gary Esplin explained this request is for underground cable and is part of the annual purchase of equipment for the Energy Services Department.

MOTION: A motion was made by Councilmember Hughes to award the bid for underground aluminum cable in the amount of \$69,315.80.

SECOND: The motion was seconded by Councilmember Baca.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

CHANGE ORDER:

Consider approval of a change order to the asphalt patching project.

City Manager Gary Esplin explained that the work has been done; however, there were issues with Black Ridge Drive. The contractor had to install additional stabilization fabric. Additionally, there was a problem at 40 North in the middle of the project. A change order should have been approved by the Council as it is more that he is allowed to approve. There are enough funds in the current budget to cover the additional costs.

MOTION: A motion was made by Councilmember Baca to approve the change order in the amount of \$84,532.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PROFESSIONAL SERVICES AGREEMENT:

Consider approval of a professional services agreement with Civitas LLC to update CDBG reports and required documents.

City Manager Gary Esplin advised the request to enter into a professional services agreement with Civitas LLC to update CDBG reports. HUD requires the City to be in compliance. Currently, the plan is not where it needs to be with regard to compliance. The cost will be paid out of the CDBG funding received annually.

MOTION: A motion was made by Councilmember Randall to approve the professional services agreement with Civitas LLC to update the CDBG 5-year consolidated plan in the amount of \$60,000.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

Economic & Housing Development Director Matt Loo stated that SwitchPoint received a \$7,500 grant from Healthy Dixie to start the garden and playground. About 5 years ago, the City contracted with Five Counties to do the consolidated CDBG plan; at that time, it cost \$28,000.

LOT SPLIT:

Planning & Zoning Manager John Willis presented the request for a lot split on residential property for development of a natural gas regulator station on property located along 3210 East Street at approximately 2200 South. The property is zoned R-1-10. He showed a vicinity map and map of the lot split. Planning Commission recommends approval.

MOTION: A motion was made by Councilmember Hughes to approve the lot split.
SECOND: The motion was seconded by Councilmember Randall.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

Tim Blackham, applicant, stated that Questar signed the necessary paperwork required. He has lot papers that were readjusted to allow for a 30' setback.

City Manager Gary Esplin explained there was an issue with regard to the setback and widening of the road in the future. Agreeing to setback at 30' will allow for room to widen the road.

FINAL PLAT:

Planning & Zoning Manager John Willis presented the final plat for Rivertstone Phase 6, a 10-lot residential subdivision located at 4050 South Street and Las Colinas Drive; zoning is R-1-10. He showed the final plat. Planning Commission recommended approval.

MOTION: A motion was made by Councilmember Arial to approve the final plat for Riverstone Phase 6.
SECOND: The motion was seconded by Councilmember Bowcutt.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

FINAL PLAT:

Planning & Zoning Manager John Willis presented the final plat for South Posse Plaza, a 3-lot commercial subdivision located at 1062 West Sunset Boulevard; zoning is C-3. He showed the final plat. The developer is recording an agreement that allows each of the pads to share ingress/egress and the parking. Planning Commission recommended approval.

MOTION: A motion was made by Councilmember Randall to approve the final plat for South Posse Plaza.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Planning & Zoning Manager John Willis presented the preliminary plat for Hawthorne Phase 5, a 21-lot residential subdivision located at 3000 East and Crimson Ridge Drive; zoning is R-1-10. He showed the preliminary plat and explained they are requesting lot size averaging. They propose to dedicate a portion between lots 55 and 56 to the City for drainage purposes. Additionally, they propose double fronting lots along 3000 East requiring a 10' landscape strip and 6' high privacy wall. The future park and detention basin are not part of this preliminary plat; however, the applicant would like to address them prior to the final plat being approved.

Brian Thomas with Development Solutions explained that there is an existing 24" pipe that runs down Crimson Ridge Drive that goes into the detention basin. These detention basins are designed to fill up and drain within 24 hours. The park is proposed to be four acres and will have a detention basin within the park.

MOTION: A motion was made by Councilmember Arial to approve the preliminary plat for Hawthorne Phase 5.

SECOND: The motion was seconded by Councilmember Baca.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Planning & Zoning Manager John Willis presented the preliminary plat for Sequoia Estates Phase 1, a 27-lot residential subdivision located at 3100 Crimson Ridge Drive; zoning is R-1-10. He showed the preliminary plat and explained that they are proposing lot size averaging. Planning Commission recommended approval.

MOTION: A motion was made by Councilmember Randall to approve the preliminary plat for Sequoia Estates Phase 1.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

HIDTA GRANT AWARD:

Consider approval of the HIDTA grant award agreement for 2016.

City Manager Gary Esplin recommended approving the HIDTA grant award agreement for 2016.

MOTION: A motion was made by Councilmember Randall to approve the HIDTA grant award agreement for 2016.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

LEASE AGREEMENT:

Consider approval of the lease agreement between the City of St. George and the Drug Task Force for 2016.

City Manager Gary Esplin explained this is an agreement for the Drug Task Force to lease space in the basement at the City Commons Building.

MOTION: A motion was made by Councilmember Arial to approve the lease agreement between the City of St. George and the Drug Task Force for 2016.

SECOND: The motion was seconded by Councilmember Baca.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye

Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes from meeting held on January 4, 2016.

Consider approval of the minutes from meeting held on January 7, 2016.

Consider approval of the minutes from meeting held on January 21, 2016.

Consider approval of the minutes from meeting held on January 28, 2016.

MOTION: A motion was made by Councilmember Arial to minutes from January 4, January 7, January 21 and January 28, 2016.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:

No reports were given.

ADJOURN:

MOTION: A motion was made by Councilmember Baca to adjourn.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.